

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHANNA JARRETT, ASIA
JARRETT, DONTA JARRETT, KASHANNA
JARRETT, LEAH DODSON, and ALLISSA
DODSON, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHELLE JARRETT,

Respondent-Appellant,

and

HENRY DODSON,

Respondent.

UNPUBLISHED
February 24, 2009

No. 288642
St. Clair Circuit Court
Family Division
LC No. 07-000240-NA

Before: Donofrio, P.J., and K. F. Kelly and Beckering, JJ.

MEMORANDUM.

Respondent Michelle Jarrett appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) (the conditions that led to the adjudication continue to exist), (c)(ii) (other conditions exist that have not been rectified), (g) (failure to provide proper care and custody), and (j) (the child is likely to be harmed if returned to the parent's home). Because the trial court did not clearly err in concluding that the allegations of abuse were proved by clear and convincing evidence pursuant to MCL 712A.19b(3)(c)(i) and (g) and that termination of parental rights was not against the best interests of the children, we affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were each established by clear and convincing evidence. MCR 3.977(G); *In re Archer*, 277 Mich App 71, 73; 744 NW2d 1 (2007). The children came into care in July 2007, in part because respondent had a substance abuse problem, was facing homelessness, and had no income. For the first four months following entry of the dispositional order, respondent made little effort to address her

issues. She was then sentenced to a year in jail for a retail fraud conviction and was still in jail in September 2008. While incarcerated, respondent received treatment for her mental health disorders and, once those were under control, she began making progress by participating in and completing many services similar to those required under her service plan. However, respondent did not receive specific substance abuse treatment apart from AA/NA meetings, and thus had not demonstrated that she could maintain a clean and sober lifestyle once she was no longer in an institutional setting. Further, she lacked housing and intended to move into a shelter on her release from jail. Although she anticipated that the shelter would assist her with finding housing, nothing had been decided yet and she lacked a source of income with which to pay for housing and had no job prospects. Because termination was justified under §§ 19b(3)(c)(i) and (g), any error in relying on §§ 19b(3)(c)(ii) and (j) as additional grounds for termination was harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

The trial court also did not clearly err in finding that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Pat M. Donofrio
/s/ Kirsten Frank Kelly
/s/ Jane M. Beckering